



HOUSE BILL No. 4319

February 18, 1993, Introduced by Rep. Bankes and referred to the Committee on Human Services and Children.

A bill to amend sections 2 and 5 of Act No. 138 of the Public Acts of 1966, entitled as amended

"The family support act,"

as amended by Act No. 292 of the Public Acts of 1990, being sections 552.452 and 552.455 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 5 of Act No. 138 of the Public
2 Acts of 1966, as amended by Act No. 292 of the Public Acts of
3 1990, being sections 552.452 and 552.455 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 2. (1) Upon the hearing of the complaint, in the
6 manner of a motion, the court may enter an order as it determines
7 proper for the support of the petitioner and the minor child or
8 children of the parties. The order shall provide that all
9 payments ~~shall~~ be made to the friend of the court. If the

1 parent complained of opposes the entry of the order upon the
2 ground that he or she is without sufficient financial ability to
3 provide necessary shelter, food, care, clothing, and other sup-
4 port for his or her spouse and child or children, the burden of
5 proving this lack of ability ~~shall be~~ IS upon the parent
6 against whom the complaint is made. The order shall state in
7 separate paragraphs the amount of support for the petitioner
8 until the further order of the court, and the amount of support
9 for each child until each child reaches 18 years of age or until
10 the further order of the court. Subject to section 1c, the court
11 may also order support for the child after the child reaches
12 18 years of age, or until the further order of the court.

13 (2) Except as otherwise provided in this section, the court
14 shall order support in an amount determined by application of the
15 child support formula developed by the state friend of the court
16 bureau. The court may enter an order that deviates from the for-
17 mula if the court determines from the facts of the case that
18 application of the child support formula would be unjust or inap-
19 propriate and sets forth in writing or on the record all of the
20 following:

21 (a) The support amount determined by application of the
22 child support formula.

23 (b) How the support order deviates from the child support
24 formula.

25 (c) The value of property or other support awarded in lieu
26 of the payment of child support, if applicable.

1 (d) The reasons why application of the child support formula
2 would be unjust or inappropriate in the case.

3 (3) Subsection (2) does not prohibit the court from entering
4 a support order that is agreed to by the parties and that devi-
5 ates from the child support formula, if the requirements of sub-
6 section (2) are met.

7 (4) ~~Beginning January 1, 1991, each~~ A support order
8 entered by the court shall provide ~~that each party shall keep~~
9 ~~the office of the friend of the court informed of both~~ ALL of
10 the following:

11 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
12 COURT INFORMED OF THE name and address of his or her current
13 source of income. As used in this subdivision, "source of
14 income" means that term as defined in section 2 of the support
15 and visitation enforcement act, Act No. 295 of the Public Acts of
16 1982, being section 552.602 of the Michigan Compiled Laws.

17 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
18 COURT INFORMED OF health care coverage that is available to him
19 or her as a benefit of employment or that is maintained by him or
20 her; the name of the insurance company, health care organization,
21 or health maintenance organization; the policy, certificate, or
22 contract number; and the names and birth dates of the persons for
23 whose benefit he or she maintains health care coverage under the
24 policy, certificate, or contract.

25 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE
26 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE
27 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE

1 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"
2 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND VISI-
3 TATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF 1982.

4 (5) For the purposes of this act, "support" may include pay-
5 ment of the expenses of medical, dental, and other health care,
6 child care expenses, and educational expenses. The court shall
7 require that 1 or both parents ~~shall~~ obtain and maintain any
8 health care coverage that is available to them at a reasonable
9 cost, as a benefit of employment, for the benefit of the minor
10 children of the parties and, subject to section 1c, for the bene-
11 fit of the parties' children who are not minor children. If a
12 parent is self-employed and maintains health care coverage, the
13 court shall require the parent to obtain or maintain dependent
14 coverage for the benefit of the minor children of the parties
15 and, subject to section 1c, for the benefit of the parties' chil-
16 dren who are not minor children, if available at a reasonable
17 cost.

18 (6) An order entered under this section shall ~~be~~ CONTAIN
19 THE PROVISIONS REQUIRED BY, MAY CONTAIN THE PROVISIONS AUTHORIZED
20 BY, AND IS enforceable as provided in the support and visitation
21 enforcement act, Act No. 295 of the Public Acts of 1982, being
22 sections 552.601 to 552.650 of the Michigan Compiled Laws.

23 Sec. 5. (1) Subject to section 2(2) or (3), an order
24 entered pursuant to section 2 of this act may be modified by the
25 court upon proper application to the court and due notice to the
26 opposite party. If any judgment of divorce or of separate
27 maintenance is entered by any court having personal jurisdiction

1 over the parties, any order entered pursuant to the provisions of
2 this act ~~shall become~~ IS null and void upon the effective date
3 of the judgment.

4 (2) ~~Beginning January 1, 1991, each~~ A support order modi-
5 fied by the court shall provide ~~that each party shall keep the~~
6 ~~office of the friend of the court informed of both~~ ALL of the
7 following:

8 (a) ~~The~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
9 COURT INFORMED OF THE name and address of his or her current
10 source of income. As used in this subdivision, "source of
11 income" means that term as defined in section 2 of the support
12 and visitation enforcement act, Act No. 295 of the Public Acts of
13 1982, being section 552.602 of the Michigan Compiled Laws.

14 (b) ~~Any~~ EACH PARTY KEEP THE OFFICE OF THE FRIEND OF THE
15 COURT INFORMED OF health care coverage that is available to him
16 or her as a benefit of employment or that is maintained by him or
17 her; the name of the insurance company, health care organization,
18 or health maintenance organization; the policy, certificate, or
19 contract number; and the names and birth dates of the persons for
20 whose benefit he or she maintains health care coverage under the
21 policy, certificate, or contract.

22 (C) A PAYER DISCLOSE TO THE PAYER'S EMPLOYER AT THE TIME THE
23 PAYER IS HIRED THE PAYER'S COURT ORDERED SUPPORT OBLIGATION, THE
24 OFFICE OF THE FRIEND OF THE COURT WHERE SUPPORT IS PAID, AND THE
25 PAYER'S CASE NUMBER. AS USED IN THIS SUBDIVISION, "EMPLOYER"
26 MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SUPPORT AND

1 VISITATION ENFORCEMENT ACT, ACT NO. 295 OF THE PUBLIC ACTS OF
2 1982.